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 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
 2060 CON

In re Application of: **Daniel Becker, et al**

Application No.: **09/082,557**

Filed: **May 21, 1998**

For: **ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD**

The owner **Sherrinod Services, AC** of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,772,659. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or record.

F. Brad Salcedo 8/24/00
 Signature Date

F. Brad Salcedo
 Chief Executive Officer

Typed or printed name

09/18/2000 EHAMOND 00000010 09082557

02 FC:148 110.00 OP

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Sherwood Services AG
 Application No./Patent No.: 09/082,557 Filed/Issue Date: May 21, 1998
 Entitled: ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD
Sherwood Services AG, a corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below.

1. From: Becker, Klicek To: Valleylab Inc.
 The document was recorded in the Patent and Trademark Office at
 Reel 7693, Frame 0254, or for which a copy thereof is attached.
2. From: Valleylab Inc. To: Sherwood Services AG
 The document was recorded in the Patent and Trademark Office at
 Reel 010577, Frame 0619, or for which a copy thereof is attached.
3. From: To:
 The document was recorded in the Patent and Trademark Office at
 Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.
 NOTE: A separate copy i.e., the original assignment document or a true copy of the original document must be submitted to Assignment Division in accordance with 37 CFR Part 3. If the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

9/24/00
 Date

[Signature]
 Signature
F. BRAD SALCEDO
 Typed or printed name

Chief Executive Officer
 Title

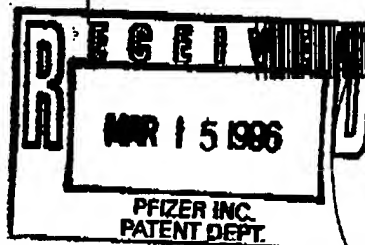


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Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

MARCH 11, 1996

PTAS

PETER C. RICHARDSON
PFIZER INC
235 EAST 42ND STREET, 20TH FLOOR
NEW YORK, NEW YORK 10017-5755



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RECORDATION DATE: 09/26/1995

REEL/FRAME: 7693/0254
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
BECKER, DANIEL J.

DOC DATE: 09/26/1995

ASSIGNOR:
KLICEK, MICHAEL S.

DOC DATE: 09/14/1995

ASSIGNEE:
VALLEYLAB INC.
5920 LONGBOW DRIVE
BOULDER, COLORADO 80301

SERIAL NUMBER: 08533891
PATENT NUMBER:

FILING DATE: 09/26/1995
ISSUE DATE:

KEITH GOODE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-159

1-31-92

17-21-1995

SHL

U.S. DEPARTMENT OF COMMERCE

PA 533891

Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks

original documents or copy thereof.

1. Name of conveying party(ies):

Daniel J. Becker and Michael S. Kasek

2. Name and address of receiving party(ies):

Name: VALLEYLAB INC

Internal Address: 5920 Longbow Drive

Boulder, CO 80301-3299

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: September 14 & 26, 1995

Street Address: 5920 Longbow Drive

City: Boulder State: Colorado ZIP: 80301

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 9/14 & 26/95

A. Patent Application No.(s)

B. Patent No. (s)

68984 U.S. PTO



11/07/95

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Dr. Peter C. Richardson

Internal Address: Pfizer Inc

Street Address: 235 East 42nd Street, 20th Floor

City: New York State: New York ZIP: 10017-5755

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

16-1445

(Attach duplicate copy of this page if paying by deposit account)

P 30053

10/20/95

08533891

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Aaron Passman

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 1

OMB No. 0851-0011 (exp. 4/94)

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 Box Assignments
 Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0851-0011), Washington, D.C. 20503.

Signed and sealed this 14 day of SEPTEMBER,
1995 at TROY MICHIGAN
(City, State)

Signature (inventor):

Michael S. Klicek
Michael S. Klicek

In the presence of:

Cynthia S. Danson
(Witness)

CYNTHIA S. Danson
(Typed or Printed Name of Witness)

PC8656ALP
Joint Inventors
Valleylab

A S S I G N M E N T

For valuable consideration, the receipt and adequacy of which is hereby acknowledged, we, Daniel J. Becker of 1225 W. 7th Avenue, Broomfield, Colorado 80020, U.S.A. and Michael S. Klicek of 2964 Roundtree Drive, Troy, Michigan 48083, U.S.A., hereby sell, assign, and transfer unto VALLEYLAB INC, a corporation organized and existing under the laws of the State of Colorado and having a place of business at 5920 Longbow Drive, Boulder, Colorado, U.S.A., the entire right, title, and interest in and to our application for Letters Patent of the United States, executed the 14th & 26th day(s) of September, 1995 entitled **ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD** and our entire right, title, and interest in and to all our inventions, whether joint or sole, disclosed in said application for Letters Patent, and in and to all applications filed for Letters Patent for any of said inventions in any country, and in and to all patents granted on the foregoing applications, and we hereby agree, whenever requested, to communicate to said assignee, its successors and assigns, any facts known to me respecting said inventions, to testify in any legal proceeding, and to execute all applications or papers necessary to obtain and maintain proper patent protection on said inventions in all countries.

Signed and sealed this 26TH day of September, 1995 at Boulder, Colorado.
(City, State)

Signature (inventor):

Daniel J. Becker
Daniel J. Becker

In the presence of:

Mary Jo Milacek
(Witness)

Mary Jo Milacek
(Typed or Printed Name of Witness)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 01, 2000

PTAS

UNITED STATES SURGICAL CORPORATION
JOHN C. ANDRES
VICE PRESIDENT AND GENERAL COUNSEL
150 GLOVER AVENUE
NORWALK, CT 06856



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RECORDATION DATE: 02/24/2000

REEL/FRAME: 010577/0619
NUMBER OF PAGES: 76

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VALLEYLAB INC.

DOC DATE: 09/30/1998

ASSIGNEE:

SHERWOOD SERVICES AG
SCHWERTSTRASSE 9
CH-8200 SCHAFFHAUSEN, SWITZERLAND

SERIAL NUMBER: 07832534
PATENT NUMBER:

FILING DATE: 02/07/1992 2038
ISSUE DATE:

SERIAL NUMBER: 08878694
PATENT NUMBER:

FILING DATE: 06/19/1997 2064 CON
ISSUE DATE:

SERIAL NUMBER: 08471344
PATENT NUMBER:

FILING DATE: 06/06/1995 2079
ISSUE DATE:

SERIAL NUMBER: 08601389
PATENT NUMBER:

FILING DATE: 02/14/1996 2087
ISSUE DATE:

010577/0619 PAGE 2

SERIAL NUMBER: 08116261
PATENT NUMBER:

FILING DATE: 08/09/1993 2038 CON
ISSUE DATE:

SERIAL NUMBER: 08132940
PATENT NUMBER:

FILING DATE: 10/07/1993 2057
ISSUE DATE:

SERIAL NUMBER: 08934688
PATENT NUMBER:

FILING DATE: 08/22/1997 2069 CON
ISSUE DATE:

SERIAL NUMBER: 08848038
PATENT NUMBER:

FILING DATE: 04/28/1997 2079 CON
ISSUE DATE:

SERIAL NUMBER: 08925805
PATENT NUMBER:

FILING DATE: 09/09/1997 2089
ISSUE DATE:

SERIAL NUMBER: 08968496
PATENT NUMBER: 6050996

FILING DATE: 11/12/1997 2041
ISSUE DATE: 04/18/2000

SERIAL NUMBER: 09082557
PATENT NUMBER:

FILING DATE: 05/21/1998 2060 CON
ISSUE DATE:

SERIAL NUMBER: 08934843
PATENT NUMBER:

FILING DATE: 09/22/1997 2072 CIP
ISSUE DATE:

SERIAL NUMBER: 08968779
PATENT NUMBER:

FILING DATE: 11/12/1997 2081
ISSUE DATE:

SERIAL NUMBER: 08619380
PATENT NUMBER:

FILING DATE: 03/21/1996 2090
ISSUE DATE:

SERIAL NUMBER: 08489174
PATENT NUMBER:

FILING DATE: 06/09/1995 2051 CON
ISSUE DATE:

SERIAL NUMBER: 08383162
PATENT NUMBER:

FILING DATE: 02/03/1995 2064
ISSUE DATE:

SERIAL NUMBER: 08530495
PATENT NUMBER: 5827271

FILING DATE: 09/19/1995 2078
ISSUE DATE: 10/27/1998

SERIAL NUMBER: 08649146
PATENT NUMBER:

FILING DATE: 05/14/1996 2086
ISSUE DATE:

SERIAL NUMBER: 08622640
PATENT NUMBER:

FILING DATE: 03/27/1996 2091
ISSUE DATE:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

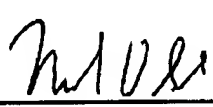
03-02-2000

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1-31-92

101280580

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Patent and Trademark OfficeCORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copies thereof.

| | | | |
|---|--|--|--|
| 1. Name of conveying party(ies): VALLEYLAB INC Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No | | 2. Name and address of receiving party(ies): Name: Sherwood Services AG Schwertstrasse 9 CH-8200 Schaffhausen Switzerland Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: September 30, 1998 | | | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ | | | |
| A. Patent Application No.(s) 07/832,534 08/116,261 08/968,496 08/489,174 08/132,940 09/082,557 08/383,162 08/878,694 08/934,688 08/934,843 08/530,495 08/471,344 08/848,038 08/968,779 08/649,146 08/601,389 08/925,805 08/619,380 08/622,640 | | B. Patent No.(s) | |
| Additional numbers attached? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: John C. Andres, Vice President and General Counsel C/O United States Surgical Corporation 150 Glover Avenue Norwalk, CT 06856 | | 6. Total number of applications and patents involved: [19] 7. Total fee (37 CFR 3.41).....\$760.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: 21-0550 (Attached duplicate copy of this page if paying by deposit account) | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. | | | |
| Neil D. Gershon Name of Person Signing | |  Signature | |
| | | 5/27/99 Date | |

07/30/1999 NTH011 00000154 210530 08878694

01 FC:501 760.00 CH

TRADEMARK AND PATENT ASSIGNMENT

WHEREAS, ValleyLab, Inc. ("ValleyLab") a Colorado corporation having a place of business at 1675 Broadway, Denver, Colorado, 80202, is the owner of certain trademarks and service marks in various countries throughout the world, including but not limited to those identified in the attached Schedule A (the "Marks"), all registrations or registration applications of the Marks, and the goodwill represented by the Marks, and of certain patents and patent schedules identified in the attached Schedule A (the "Patents");

WHEREAS, Sherwood Services AG ("Sherwood"), a Swiss corporation having a place of business at Alpenstrasse 1, 6300 Zug, Switzerland, is desirous of acquiring the Marks and the Patents, all registrations and registration applications thereof, and the goodwill represented by the Marks and the Patents;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, ValleyLab hereby assigns to Sherwood, all right, title and interest in and to the Marks and the Patents, all registrations and registration applications thereof, and the goodwill represented by the Marks, together with the right to sue and to collect damages for past infringements of the Marks and the Patents.

IN WITNESS WHEREOF, ValleyLab has caused this assignment to be executed by its duly authorized officer on the date indicated below.

Dated as of October 1, 1998

VALLEYLAB, INC.

By: 

Its: 

REP #66

Cases By Filing Date

Division: VL

| Case Number | Country | Appln. No. | Filing Date | Patent No. | Issue Date | Status |
|--|---------|--------------|----------------|------------|---------------|-----------|
| ===== | | | | | | |
| ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD | | | | | | |
| 2060 | PCT | PCTIB9600618 | 06/28/96 | | | PUBLISHED |
| ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD | | | | | | |
| 2060 | CANAD | 2229874 | 06/28/96 | | | ABANDONED |
| ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD | | | | | | |
| 2060 CON | USA | 09/082557 | 05/21/98 | | | PENDING |
| ELECTROSURGICAL GENERATOR POWER CONTROL CIRCUIT AND METHOD | | | | | | |
| 2061 | USA | 08/289958 | 08/12/94 | 5509916 | 04/23/96 | ISSUED |
| LASER-ASSISTED ELECTROSURGERY SYSTEM | | | | | | |
| 2061 | AUSAL | 27507/95 | 07/10/95 | | | ABANDONED |
| LASER-ASSISTED ELECTROSURGERY SYSTEM | | | | | | |
| 2061 | #EPO | 95922694.5 | 07/10/95 | | | ABANDONED |
| LASER-ASSISTED ELECTROSURGERY SYSTEM | | | | | | |